

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Thomas Trupiano

v.

Civil No. 09-cv-101-PB

Grafton County Department of Corrections

O R D E R

Pro se plaintiff Thomas Trupiano brings this civil rights action, pursuant to 42 U.S.C. § 1983, alleging that he was denied adequate medical care in violation of his rights under the Eighth Amendment to the United States Constitution (document nos. 1 and 7). Seeking injunctive and monetary relief, he brings this action against Glenn Libby in his representative capacity as Superintendent of the Grafton County Department of Corrections ("GCDOC").

The complaint is before me for preliminary review to determine whether, among other things, it states a claim upon which relief may be granted. See 28 U.S.C. § 1915A; U.S. District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2). For the reasons stated in the report and recommendation issued simultaneously herewith, I conclude that Trupiano has alleged an Eighth Amendment claim, premised upon the

denial of adequate medical care, against Libby. Also filed is a request for preliminary injunctive relief which I recommend be denied as moot.

Accordingly, I order the complaint to be served on Libby. As Trupiano has completed the required summons form, the Clerk's office shall issue the summons against Libby in his representative capacity as Superintendent of the GCDOC, and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summons and copies of the complaint (document nos. 1 and 7), the report and recommendation and this order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon the defendant. See Fed. R. Civ. P. 4(c)(3).

Defendant is instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendant by delivering or mailing the materials to him or

his attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: April 17, 2009

cc: Thomas Trupiano, pro se